

one

The Importance of Gender and Property

To be a woman is to have children . . . to not have access to a parcel of one's own . . . to do the housework and the field work. . . . Why is it a scandal whenever a baby girl is born?¹

Land for women has to do with survival; for men it has to do with power . . . the men will be the first ones to oppose our participation in land tenancy.²

THIS BOOK IS ABOUT the disjuncture in Latin America between men's and women's formal equality before the law and the achievement of real equality between them, an issue particularly well illuminated by the gap between women's property rights and their actual ownership of property. Until the early twentieth century, a major factor limiting women's ownership of property was the restricted nature of married women's property rights. The struggle to expand these was one of the main achievements of the first wave of feminism in Latin America, and it was intimately linked with the struggle to secure other civil and political rights for women. Because of the contentious nature of these measures, in most Latin American countries women achieved greater property rights and suffrage only in a piecemeal fashion during the first half of this century.

The next watershed, a product of the second wave of international feminism, was the 1979 UN Convention on the Elimination of All Forms of Discrimination against Women (UN 1982). Most Latin American states

that had not already done so subsequently revised their constitutions to guarantee explicit equality between men and women before the law and reformed their civil codes to establish the dual-headed household, where both men and women represent the family and share responsibility for the administration of its common property. Nonetheless, the attainment of formal equality of property rights has not resulted in anything like real equality in the distribution of assets between men and women.³ This disjuncture is probably at its greatest in terms of rural women's property rights and their ownership and control of land.

Unfortunately, few studies have been carried out on the distribution of assets by gender. An oft-cited estimate is that women constitute one-half of the world's population, one-third of the official labor force, do two-thirds of the work, but earn only one-tenth of the world's income and own only one percent of the world's property (UN 1980: 8). Data on the distribution of asset ownership is notoriously difficult to come by, but even if this estimate—produced for the Second UN World Conference on Women in Copenhagen in 1980—is only a very rough approximation, it is intended to put into stark relief the glaring inequality between men and women with respect to command over resources. Data on the distribution of land ownership by sex is equally difficult to generate. Notwithstanding several decades of “women in development” efforts, most Latin American agricultural censuses still fail to report the gender of their nation's farmers.⁴ Moreover, the censuses as well as most household surveys rarely inquire about farm ownership by sex, highlighting the general lack of attention to this issue until recently. As we will demonstrate, rural women in Latin America are less likely to own land than men; and when they do so, they own less land than men, motivating one of the central questions of this study: Why is the distribution of land ownership between men and women in Latin America so unequal?

We argue that gender inequality in land ownership in Latin America is attributable to the family, community, the state, and the market. The principal means through which ownership of land is acquired include inheritance, adjudication by the state, and purchase in the market. We show that gender inequality in land ownership is due to male preference in inheritance, male privilege in marriage, male bias in state programs of land distribution, and gender inequality in the land market, where women are less likely to be buyers than men. In many regions of Latin America, land is owned or held collectively by indigenous and/or peasant communities, with the internal distribution of land governed by traditional customs and

practices. We show that gender inequality also permeates these practices, with land rights primarily vested in male household heads.

Following Bina Agarwal (1994a: 19), who pioneered the study of gender and land rights, we define land rights as the “ownership or . . . usufruct (that is, rights of use) associated with different degrees of freedom to lease out, mortgage, bequeath or sell” land. Land rights must be distinguished from the more general and loosely used term “access” to land. Whereas rights are “claims that are legally and socially recognized and enforceable by an external legitimized authority,” such as the community or state, access to land includes not only land rights but also informal means of obtaining land, such as by borrowing it for a cropping season from a relative or neighbor (*ibid.*).⁵ Land rights, as opposed to land access, thus imply a measure of security tied to an enforceable claim.⁶

This book investigates how, until recently, women have been excluded from land rights, and it explores the struggles that have led to their attaining them. The mechanisms excluding women from land rights have been legal, cultural, structural, and institutional. They are interrelated and have as their basis patriarchal ideologies embedded in constructions of masculinity and femininity and the “proper” gender division of labor between and within public and private spheres. One of the main mechanisms excluding women from land rights has been that these are often ceded by communities and the state only to household heads, the great majority of whom are male. In the Latin American agrarian reforms, for example, it was assumed that by benefiting male household heads, all household members would benefit as well. This practice was supported by civil codes under which the husband represented the family in all external matters and was the administrator of the common property of the household. This practice was also supported by a gendered division of labor in which men were socially recognized as agriculturalists and women were regarded only as “helpers,” or secondary family workers, irrespective of the amount of time they dedicated to agricultural activities. Further, an objective of the agrarian reforms was to change the structure of land tenancy in favor of the creation of family farms. In this context it was inconceivable to reform planners—as well as to the leadership of the peasant organizations who led the struggle for agrarian reform in Latin America—that women might want either joint or independent rights in land.

A number of conditions had to change before the question of women’s land rights could begin to be addressed. Of singular importance was the rise of the second wave of feminism internationally and the growth and

consolidation of national and local women's movements in Latin America. Since the 1970s the series of United Nations World Conferences on Women, which began with the UN Decade on Women in 1975, focused attention on ending discrimination against women, achieving equality between men and women, and incorporating women and gender concerns into national development plans.⁷ In addition to securing and expanding married women's property rights, another thrust has been to establish rural women's land rights, specifically by including them in state programs of land reform, colonization, and titling, and by guaranteeing their inheritance rights.

The rise and consolidation of the women's movement throughout the region coincided with the rise to dominance of the neo-liberal model of development in Latin America in the 1980s, motivating two of the other questions of this study: What has happened in terms of rural women's land rights and ownership of land under neo-liberalism? And what difference has the contemporary women's movement made with respect to women's property and land rights? Most of the early literature on gender and neo-liberalism focused on the impact of the debt crisis and structural adjustment policies on women, as well it should, given the role of these policies in producing the "Lost Decade" in Latin America, a period during which growth rates tumbled and poverty rates skyrocketed in most countries in the region.⁸ Besides a transfer of surplus from the Third World to the advanced capitalist countries, and from workers to capital, structural adjustment policies brought about a shift in the costs of reproduction of labor from the state to households, and within households, from men to women.⁹

The economic crisis, nonetheless, had a number of unintended consequences. For example, it contributed to the expansion of the women's movement beyond its original social base in the middle class to include a popular women's movement. The latter was largely a product of poor women's survival strategies and collective action, supported by a growing network of nongovernmental organizations (NGOs). It led to growing awareness within policy circles that public policy was not gender neutral—that is, policies that were apparently gender blind were, more often than not, gender biased.¹⁰ And the crisis led to a dialogue between the women's movement (which up to that time had been quite anti-state in its positions) and the state regarding the vulnerability of women as a social category, which then legitimized state action.

By the end of that decade, the state-oriented model of development associated with import-substitution industrialization had been largely dis-

credited in favor of a renewed focus on export-oriented growth, liberalization of the economy, and a reduced role of the state in the economy. The sectoral and gender consequences of this shift were reflected in the growth in the literature on women in the free trade or export processing zones, women in the informal sector, and the feminization of agricultural labor.¹¹ As Latin America struggled to compete under new terms in international markets in the 1990s, this sectoral restructuring would become known by the process that was orchestrating it: economic globalization.

Globalization required a second round of economic reforms in Latin America to deepen the reliance on market mechanisms, internally as well as externally.¹² With respect to the agricultural sector, these policies are often referred to as “modernizing agriculture” but may be characterized more accurately by their intent of “getting prices and institutions ‘right’” (Carter and Barham 1996: 1142). Under the neo-liberal agrarian legislation of the 1990s, the agrarian reforms of past decades were brought to a formal end or undone by the parcelization of production cooperatives and collectively held land and by the withdrawal of the state from the provision of services, such as credit and technical assistance, a process we refer to as “counter-reform.” In addition, the preconditions for the invigoration of land markets were laid in place through land titling projects and programs to modernize registration and cadastral systems. These changes raise the question of what has happened in terms of rural women’s land rights as the state withdraws from the process of land redistribution.

Our previous research showed that rural women fared quite poorly in the agrarian reforms of the past.¹³ With the withdrawal of the state from land redistribution, would rural women be in any better position to benefit from new opportunities to acquire land through the market? And would the land market be gender neutral or as gender biased as state programs of land distribution in the reform period? The new factor here was the women’s movement and its potential impact on the neo-liberal agrarian legislation that in the early 1990s was defining the new rules of the game.¹⁴

The rise and consolidation of the women’s movement in Latin America coincided not only with the rise to dominance of the neo-liberal paradigm in the region but also with the struggle for democratization and the subsequent transition to democracy in areas such as Brazil and the Southern Cone.¹⁵ Moreover, the women’s movement was supported by and gave impetus to the development and expansion of national women’s offices within Latin American states, offices committed to promoting the rights of women. State support for these offices and attention to gender issues was also a product of the growing international consensus around these

goals, particularly after the 1979 UN Convention on ending discrimination against women went into effect. The development of national women's movements was also supported by the expanded activities of non-governmental organizations (NGOs), which were, in turn, related to the shrinkage of the state and moves to enhance the status of civil society in the 1990s. The consolidation of feminist and research-and-action-oriented NGOs greatly contributed to the growth of the women's movement at the local level, and many of these focused their attention on rural women and their aspiring organizations in this period. These factors motivate a question about the extent to which the consolidation of the women's movement has influenced neo-liberal policies. Specifically, to what extent is neo-liberal agrarian legislation more gender-progressive than the agrarian legislation of the past? Following Agarwal (1994a: 9), we define gender-progressive as "those laws, practices, policies, etc. which reduce or eliminate the inequities (economic, social or political) that women face in relation to men." Further, has gender-progressive agrarian legislation increased women's ownership of land?

The women's movement was not the only new social actor of the 1980s and 1990s.¹⁶ In a number of Latin American countries, the indigenous movement erupted on the national scene with the events leading up to 1992, the quincentennial of the European discovery of the Americas, which generated the 500 Years of Resistance Campaign. Among the main demands of indigenous organizations was recognition of the territories to which they have traditionally had access, guarantees of collective property rights, and autonomy with respect to the exercise of traditional customs and practices. Their intervention into the debates regarding the adoption of neo-liberal agrarian legislation prevented neo-liberal advocates in most countries from dismissing collective property rights altogether. The agenda of the indigenous movement also raised the issue for feminists of whether collective rights might be an obstacle to achieving women's individual rights. Another major concern of this study thus became the apparent tension between respecting the collective land rights of communities and guaranteeing the individual rights of women, if land continued to be distributed according to traditional customs and practices that discriminate against women. In addition, was there any way that gender equity could be pursued if women did not directly participate in the decisions governing how collective land was distributed to households and to the individuals within them?

Agarwal (1994a: 19) defines effective rights in land as including legal rights as well as the social recognition of these rights and the effective

control over land, an important distinction in Latin America. For example, within the collective landholding system in Mexico known as the *ejido*, the state (between 1971 and 1992) guaranteed land rights to all adults above a certain age, irrespective of sex. However, effective land rights were tied to membership within the *ejido* and only one person per household, generally the male household head, could be an *ejido* member. Thus, while men and women may have been equal before the law, in that either could potentially obtain land rights, in practice the rules of *ejido* membership excluded married women from effective land rights. Moreover, when new national legislation in 1992 permitted *ejidos* to be legally parcelized and converted to individual private property, the majority of women were excluded from participating in this crucially important decision regarding the future of their communities.

Inheritance rights offer another pertinent example. All Latin American civil codes provide, when a person dies intestate, for equal inheritance among all children irrespective of sex. However, in many regions women are not considered to work in agriculture so that it is not considered socially legitimate for them to inherit land. Thus, in those cases where a formal division of the property takes place, women are expected to renounce their inheritance share of land or, at best, to sell this share to a brother. Moreover, even where women's work in agriculture is socially recognized, in practice the rules of residence may effectively hinder women's inheritance of land.

Effective control over land includes control over the decisions about how land is to be utilized and control of the benefits it produces. Thus it includes control over such decisions as whether land is to be farmed directly or let out under a tenancy agreement, what is to be produced and how, and on the disposition of the products produced or of the income generated from its rental (Agarwal 1994a: 19). Thus, while a woman may inherit and own land in her own name in Latin America, she may not effectively control it if, for instance, her inheritance is incorporated into the family patrimony managed by the male household head.

In her path-breaking book *A Field of One's Own*, Agarwal (1994a: 3) defines independent land rights for women as those "that are formally untied to male ownership or control"; that is, independent land rights exclude joint titles with men. Her reasoning:

Independent rights would be preferable to joint titles with husbands for several reasons: one, with joint titles it could prove difficult for women to gain control over their share in case of marital breakup.

Two, women would also be less in a position to escape from a situation of marital conflict or violence. . . . Three, wives may have different land-use priorities from husbands which they would be in a better position to act upon with independent land rights. Four, women with independent land rights would be better placed to control the produce. Five, with joint titles the question of how the land would subsequently be inherited could prove a contentious one. This is not to deny that having joint titles with husbands would be better for women than having no land rights at all; but many of the advantages of having land would not accrue to women by joint titles alone. (Agarwal 1994a: 20)

We argue that joint titling of land and other assets such as housing is a crucially important mechanism of inclusion of women in the ownership of property. In Latin America the achievement of joint titling represents the culmination of a century-long struggle to secure women's property rights within marriage and consensual unions and to establish joint management of the common property of the household. Nonetheless, the dual-headed household represents a formal mechanism of inclusion. What might contribute toward real equality in practice—that is, a more equitable distribution of household assets between men and women—is precisely joint titling.¹⁷

This is not to take issue with Agarwal's proposition that independent land rights for women are preferable to land rights shared with men. In Latin America, as in South Asia, independent land rights (as illustrated in the case of the inheritance of land, which is almost always on an individual basis) are associated with an increase in women's bargaining power within the household and community and with female economic autonomy, factors that contribute to women's empowerment and enhance their well-being and that of their children. Rather, given the prevalence of family farming in Latin America, and the current conjuncture—when the most important state initiative in agriculture consists of land-titling programs—joint titling of land to couples will potentially benefit more rural women than any other measure.

In Latin America the discussion of independent land rights for women has been largely limited to the case of female household heads. A particularly important mechanism of inclusion of women has been the priority that a few land-reform and land-titling programs have given in recent years to female heads of household. These can be viewed as a form of affirmative action in that they represent an attempt to redress the discrimination in land rights to which women have been subject in the past.

There have also been a few experiments in giving certain other categories of women priority land rights as a social group, but these attempts have been poorly understood or highly contested.

The discussion of property rights and the mechanisms of inclusion of women in the ownership of assets is potentially as important to urban as to rural women, as seen in recent struggles for access to decent housing and for women's ownership rights in a number of countries. As part of the urban housing movement, women are participating in land takeovers and assuming responsibility for legalizing their claims; they are also contributing their savings as well as their labor to self-help housing schemes (Valenzuela 1997; Sagot 1997; González and Durán 1992; Sevilla 1992; Varley 1994). All too often, as happens to rural women with land, at the moment of titling these properties, officials give preference to male household heads, titling the home only in the name of the husband. This makes women particularly vulnerable. In the event they are abandoned, separated, or widowed, they may not have any legal claim to the property (AVP et al. 1995: 10; Meertens 1986: 44; Molina, Sagot, and Carcedo 1992; Varley 1996; Barrig 1988: 155; Moser 1987: 199).

Nonetheless, the women's movement in Latin America in recent years has given lower priority to the defense of property rights relative to such issues as reproductive rights or ending domestic violence against women. This is partly because the theoretical energy of feminists in Latin America as well as internationally has centered on what Nancy Fraser (1997: 2) has called issues of recognition rather than redistribution. Primary attention has focused on women's gender identity and the struggle for recognition of the differences between men and women, coupled with the understanding that the category "women" is marked by fundamental differences of class, race, ethnicity, nationality, sexual preference, and so on. The rise of identity politics more broadly in the postsocialist neo-liberal era in both North and South has shifted, in Fraser's terms, the "political imaginary of justice" away from issues of class, political economy, and redistribution to the cultural realm. Our intention in this book is to bring "the material" back in and to show its interconnection with issues of recognition. We argue that the relationship between gender and property has been insufficiently explored and that attention to issues of redistribution, particularly of property, is fundamental for transforming gender relations and ending women's subordination to men.

Until the publication of Bina Agarwal's (1994a) book, the relation between gender and property had been understudied and undertheorized.

The primary point of reference had been Engels's classic text, *The Origin of the Family, Private Property, and the State* (1884/1972), which has had enduring influence upon socialist feminists. The kernel of Engels's theory was that the subordination of women was associated with the rise of male-owned private property and the patriarchal family alongside that of class-divided society, which led in turn to the development of the modern state.¹⁸ In brief, the transformation of women from equal, productive members of society to subordinate and dependent wives was associated with the transition from production for use and communal ownership of property to production for exchange and individual male ownership of private property in a class-divided society.

Engels's theory has been the subject of much criticism and debate, particularly with regard to the origins of women's subordination.¹⁹ Our main concern is with Engels's proposition regarding gender and property relations under capitalism. He argued that

gender relations would be hierarchical among the property-owning families of the bourgeoisie where women did not go out to work and were economically dependent on men, and egalitarian in propertyless proletarian families where women were in the labour force. The ultimate restoration of women to their rightful status, in his view, required the total abolition of private property (i.e., a move to socialism), the socialization of housework and childcare, and the full participation of women in the labor force. (Agarwal 1994a: 12)

That gender relations among propertyless proletarian households could hardly be characterized as egalitarian was amply documented by feminists from almost the time that Engels's manuscript was published. But this did not diminish the appeal of his prescription for the emancipation of women: their full-scale entry into the labor force accompanied by the socialization of housework and childcare in the transition to socialism.²⁰ Agarwal rightly praises Engels for his "emphasis on women's economic dependency as a critical constituent of the material bases of gender oppression" (1994a: 13). Nonetheless, she argues that by advocating the abolition of private property, Engels bypassed the question of women's property rights altogether. He failed to consider the impact on gender relations in propertied households if women, too, owned property and did not consider other alternatives, besides their joining the labor force, that would change women's status of economic dependence. As Agarwal demonstrates, independent property rights for women—particularly when ac-

accompanied by effective control over property—can be equally successful, if not more so, in promoting women’s economic autonomy and bargaining power.

Engels’s failure—not considering alternatives to wage labor as a means to change women’s economic position—has been mirrored in feminist research on Latin America. In the 1970s and early 1980s the driving issues in the new field of women and development concerned the gendered division of labor, making women’s work visible, and the implications of women’s growing presence in the labor force. Whether women’s labor force participation automatically led to an improvement in their status was widely debated,²¹ but little attention was given to women’s property rights as an alternative means of enhancing women’s position and challenging existing gender relations. And while the economic crisis kept empirical research focused on economic issues, the theoretical energy of the feminist movement in the 1990s increasingly turned to questions of identity, difference, representation, and political participation, with less attention to the material realm. Moreover, while there was considerable theoretical interest in questions of autonomy and empowerment, few connections were made to the factors that might promote these, such as an increase in women’s bargaining power as a result of enhanced property rights or ownership of assets.

In *A Field of One’s Own*, Agarwal (1994a) argues for the importance of gender and land rights in terms of women’s welfare, efficiency, equality, and empowerment. We draw upon and expand these below in terms of women’s well-being, equality, and empowerment.

Women’s Well-Being and the Family

The basis of Agarwal’s welfare argument regarding gender, property, and land rights is that—given intra-household gender inequalities in the distribution of benefits, the differences in how men and women spend their incomes, and the positive links between children’s nutritional status and income controlled by mothers—“the risk of poverty and the physical well-being of a woman and her children could depend significantly on whether or not she has *direct* access to income and productive assets such as land, and not just access *mediated* through her husband or other male family members” (Agarwal 1994a: 31).

To illustrate the general case that a woman’s economic condition is

not necessarily the same as that of her family or household, and to understand the importance of a woman's ownership of assets to her well-being, consider the case of a hypothetical adult single woman living alone. For simplicity, let us assume that she has no family or other ties upon which she may draw for support. Under these conditions, the assets she owns and controls largely determine her income-generating possibilities (particularly whether she will need to engage in wage labor) as well as her ability to deal with adversity.²² Ownership of real estate would place this woman in a privileged position, for she could generate income by renting her home, taking in boarders, or using her house for income-generating activities. Ownership of durable goods might also provide the means of production for a series of possible income-producing activities (such as preparing foodstuffs for sale or becoming a seamstress). Moreover, any of these assets may serve as collateral for the credit she needs to invest in any of these ventures, making her more productive. Access to savings plays an important role in being able to postpone the decision to enter the labor market, to weather unemployment and underemployment, and perhaps to invest in additional productive assets. Finally, the possibility of selling an asset is another important form of security. What we want to highlight is that ownership of assets, even for a poor woman, expands the range of income-generating activities in which she may engage, increasing her options and available strategies.

Among these options and strategies is the decision whether to marry. Holding other, non-economic factors constant (such as falling in love, wanting to form a family, familial pressure to marry), this decision is influenced by the assets that each partner brings to the union and the terms of that union. Once married, the options of this woman are conditioned by the legal rights of married women and by the marital regime governing the union. Marital regimes in Latin America vary according to the disposition of property brought into and acquired during the marriage and thus define the property rights of married men and women. For simplicity, assume that there is only one legal marital regime, that of full common property (known as *comunidad absoluta* or *comunidad de bienes*), in which all property acquired before or during the marriage by either spouse is pooled, along with all the income generated during the marriage. Until recent decades in many countries, the common property of the household was controlled by the husband; this included the property that a woman brought into marriage as well as her own earnings. A married woman could not legally enter into contracts, run a business, or engage in wage

labor without her husband's consent. By establishing the property rights of married women, we refer to those revisions of the civil codes that allowed married women at least to control their own individual assets and earnings. The reforms that established wives and husbands as joint administrators of common property are even more recent, and have yet to be attained in several countries in the region.

Before these reforms, the economic autonomy of married women was extremely limited. Without economic assets under their direct command, married women were extremely vulnerable, for their well-being (and that of their children) largely depended on their husbands' skills in managing the income and assets of the family, as well as their good faith. In the case of separation, divorce, or widowhood, nonetheless, women in Latin America found some protection from the state. Under the common-property regime, women were entitled to half the common property if the union was dissolved, irrespective of their own contribution. While this system gave women a certain degree of bargaining power during marriage, whether there was any common property left to distribute was still largely dependent upon their husbands' sound management of household income and assets and their good faith.

In the past, it was primarily through inheritance that men's and women's endowments were initially established, influencing their marriage options, bargaining position in marriage, and the range of their income-generating opportunities.²³ If inheritance had followed the legal norm of equal inheritance among all children, irrespective of gender, the distribution of assets in Latin America today would be relatively equal between the sexes, a situation that is hardly the case. Social norms governing the transmission of productive assets—that is, the social construction of masculinity and femininity such that men are defined as the producers and primary income earners and women as dependent housewives—have generated considerable gender inequality in the ownership of assets. In addition, while under the common-property regime a widow automatically receives half of the common property of the household upon her husband's death, she does not automatically inherit from her husband's share of the estate. Thus, for example, if a husband willed all his assets to his children, a widow would not necessarily remain in control of the family home, farm, or business.

The full common-property marital regime as described above could be viewed as an attempt by the state to legislate income pooling and asset sharing among household members under the purview of the household

head, who is charged with its administration for the presumed benefit of all its members. This case parallels the assumptions of neo-classical economics regarding households—specifically, that the male head of household acts as a benevolent dictator, basing his decisions on the desire to maximize the welfare and well-being of all household members. Recent advances in feminist economic theory (Folbre 1986a, 1986b; Kabeer 1994; Agarwal 1994a) have challenged the view that households are governed by altruism rather than by self-interest. Moreover, a considerable amount of empirical evidence has been amassed cross-culturally demonstrating that (1) not all income generated by household members is necessarily pooled; (2) men and women spend their income in different ways; and (3) pooled income does not necessarily result in shared consumption or equal consumption shares for all household members. It has been found that the income controlled by women is more likely to contribute to household food security and child welfare than income controlled by men (ibid.; Moser 1989; Quisumbing et al. 1995; Quisumbing and Maluccio 1999).

In the Latin American case, there is a growing body of evidence showing that women are more likely to pool any income they earn individually for the family's benefit. Men are more likely to spend part of their income for their own individual wants (particularly liquor and tobacco), contributing only a portion of their earnings to the household fund (Bourque and Warren 1981: 107; Benería and Roldán 1987: 114–19; Deere 1990: 287–89; Brunt 1992: 91–92).²⁴ The distribution of male income between discretionary consumption and household expenses is rarely a household decision (although it is commonly a source of tension and conflict), often being made unilaterally by the husband (ibid.).

Intra-household gender inequality in the sharing of benefits is apparent in a number of ways. For example, on peasant family farms in the Andes men generally control the fruits of the collective labor of all household members: “Prevailing norms supported an unequal distribution of benefits among family members, with women and children, in particular, having little recourse even when his decision meant their material deprivation” (Reinhardt 1988: 55). Similarly, in northern Peru, “Among poor peasant households, female economic autonomy was a necessary condition to guarantee shared consumption of the family labor product. Poor peasant men could walk away from a sale on market day right into a bar and drink away a month's worth of family labor. It was not unusual to see a woman desperately trying to pull her husband out of a *chichería* [canteen] for exactly this reason” (Deere 1990: 287).

With respect to the distribution of food, it is commonly observed that

men are served first and given the largest helpings and the choicest morsels, including the majority of the protein (Reinhardt 1988: 215; Bourque and Warren 1981: 121), biasing the intra-household distribution of nutrients against women and young children, as in highland Guatemala (Katz 2000). A survey of household nutritional practices in Ecuador found that in over one-third of the households fathers received a larger portion of food than other household members, and in one-quarter they received extra meat and rice when these were available. Another study noted that the rationale for giving preference to men in the allocation of foodstuffs was not the greater physical energy they expended (since women also play an active role in agricultural work) but rather that the father's role as principal breadwinner entitled him to certain privileges (Luzuriaga 1982: 34).

Detailed studies of the spending patterns of men and women in the region indicate that income controlled by women is more likely to improve household and children's nutrition (Engle 1995: 155, 172–74). A study of urban households in Brazil showed that, relative to men, women's control of income was associated with increased protein intake, positive weight-for-height ratios, and increased child survival (Thomas 1990: 646–67). A study in rural Guatemala found that the biggest improvement in food and nutritional outcomes was linked to women's income-earning opportunities (Katz 2000). If women are more likely than men to spend a larger share of their income on items that are related to children, such as food, then it is not surprising that some studies have found female household headship to be associated with improved child welfare (Desai and Ahmad 1998: 232). As the UN's 1997 *Human Development Report* concluded, "Gender equality needs to be part of each country's strategy for eradicating poverty, both as an end and as a means to eradicating other forms of human poverty. This means . . . empowering women by ensuring equal rights and access to land, credit and job opportunities" (UNDP 1997: 7).

Another factor that must be taken into account in the discussion of women's well-being is the role of independent assets in reducing women's vulnerability in old age. Given the low coverage of social security programs (particularly in the rural sector), the trend toward privatization of these programs under neo-liberalism, the lengthening of life expectancy in the region, and its gender gap,²⁵ care of the elderly is becoming as urgent an issue in Latin America as in the advanced countries. This issue has not been addressed in recent reforms of the civil codes, and in most countries inheritance rights favor children over widows, making widows particularly vulnerable.

Bina Agarwal (1994a) makes a strong case for the special role of land

as a productive asset in rural societies, particularly those characterized by limited non-farm opportunities. In Latin America, as in South Asia, land has played a special role as a productive resource, means of livelihood and of accumulating wealth, and source of status and political power. Until recent decades, the unequal distribution of land in Latin America was probably the most important single factor in explaining the extremely unequal distribution of wealth and income in the region, which was *the* most unequal among regions of the world (IADB 1997: 41). Agarwal (1994a: 31) argues that in South Asia land serves as one of the best forms of security against poverty. In Latin America the evidence supporting this point is mixed.²⁶ Nonetheless, while access to land may not keep a household above the poverty level, it may still serve as an important form of food security by allowing households—and specifically the women within them, if they have independent land rights—to meet at least a portion of their basic needs and keep from falling into extreme poverty or destitution. Agarwal also points to the many indirect advantages of owning land, one of the most important being, in the Latin American case, that it allows the pursuit of a more diversified livelihood system.

The thrust of Agarwal's (1994a: 34) efficiency argument is that the ownership and control of land increases women's productive possibilities and the likelihood that they will have access to credit, technical assistance, and greater information. Secure ownership of land increases women's efficiency in that it directly increases both their capacity and incentive to invest, leading to higher productivity and production levels. Higher levels of production should lead to higher levels of income, which if also controlled by women should lead to higher levels of consumption and well-being for women and their children. Secure ownership of land can also improve natural resource management in terms of efficiency and environmental sustainability (ibid.: 37; Meinzen-Dick et al., 1997). Moreover, a woman's direct control of land, to the extent that it results in higher levels of investment in her own or her children's health and education, also results in greater labor productivity, or human capital accumulation.

The efficiency argument for women's access to and control of land focuses not only on women's well-being but on that of society in general through the increased production that women agriculturalists will generate. As Agnes Quisumbing et al. (1995: 7) argue, "Barriers to women's productivity and the use of their experience and knowledge may impose a large opportunity cost to society in terms of foregone output and incomes, the magnitude of which is only now being realized." Perhaps because of

this reason, it is the argument that tends to be highlighted by women-in-development advocates, particularly in the context of structural adjustment policies. We call this the “productionist” argument to distinguish it from arguments that focus on why women’s ownership and control of land is critical whether or not women work the land directly themselves, or what we term the “equality and empowerment” arguments.

Equality between Women and Men

Agarwal’s third argument is framed in terms of achieving equality between men and women. Our objective is to clarify the various ways in which the concept of equality has been utilized, to review the various means that have been posited to achieve real (as opposed to formal) equality, and to explore the relationship between equality and equity. Equality is a normative and historically constructed concept that is subject to differing interpretations and meanings (Jiménez 1995: 12). Feminist philosophers distinguish between the horizontal and vertical relations implicit in the concept. “Equality between” is a relation of reciprocal similarity in that it is established horizontally, between individuals at the same level. In contrast, “equality to” is unidirectional and implies hierarchies and dependencies, or vertical relations. The concern of feminists is that, in the struggle for sexual equality, women will be pressed to conform to a paradigm of “humanity” defined in masculine terms. This point was at the crux of the “equality versus difference” debate that dominated feminist theoretical concerns in the 1970s and early 1980s.²⁷

In brief, “equality” and “difference” feminists had conflicting views of gender differences and the causes of gender injustice and, hence, opposing views of gender equity (Fraser 1997: 177). For “equality” feminists gender differences have been used historically to rationalize women’s subordination, and thus to stress these was to reinforce women’s domestic role and marginalization. In contrast, for “difference” or “cultural” feminists gender differences were the foundation of women’s identity, and androcentrism was the main problem.²⁸ Whereas for the latter, gender equity had to be built around the recognition and revaluation of femininity, for the former it involved minimizing gender differences and establishing equal participation and distribution of valued goods.

In Fraser’s reading, this debate was never really settled. While each side had convincing criticisms, neither had a fully defensible position. A solu-